



## VISUAL IMPROVEMENT PROGRAM

### **A. Program Summary**

This program is intended to provide a property owner and/or business owner with a tavern-limited license financial assistance for undertaking the exterior rehabilitation, renovation, and installation of neon/animated signage of commercial properties located within the Fremont East Entertainment District (FED). The City of Las Vegas Redevelopment Agency ("Agency") will rebate, up to a maximum of seventy-five thousand dollars (\$75,000), any Pre-approved Qualified Exterior Improvements undertaken by the applicant. At the Agency's discretion, properties which are located at a corner and are occupied by a tavern-limited license business which fronts and conducts business on both streets will be rebated, up to a maximum of ninety-five thousand dollars (\$95,000) for any Pre-approved Qualified Exterior Improvements undertaken by the applicant. **In consideration for the rebate, the property owner shall agree to grant and convey to the Agency a nonexclusive Façade Easement Deed and Building Maintenance Agreement to be recorded upon the property, at completion of the improvements, for a period of five (5) years.** The applicant will have the option to repurchase the Façade Easement and Building Maintenance Agreement from the Agency during the five (5) years. All commercial properties located within the Fremont East Entertainment District are eligible for assistance. The Agency shall have the absolute and sole discretion to designate the eligibility or ineligibility of any requested item.

### **B. Program Objective and Goals**

The primary objective of the Entertainment District VIP is to encourage property owners and business owners with a tavern-limited license to rehabilitate commercial buildings, enhance the physical appearance of the area, improve the overall economic viability of downtown, and install neon and/or animated signage in accordance with the Downtown Entertainment Overlay District and the FED streetscape improvements. This objective compliments the goals of the City of Las Vegas Redevelopment Agency Plan, the City of Las Vegas Downtown Centennial Plan, and the City of Las Vegas 2020 Master Plan.

These objectives can be accomplished by encouraging property owners and long-term tenants to reinvest in and renovate their properties. The program is intended to improve the aesthetic nature of properties and to assist in bringing properties up to current building and property code standards, while acting as a catalyst for other nearby property owners or nightclub owners to consider participating in the Entertainment VIP.

Each applicant should be prepared to demonstrate how its proposed project meets one, or more, of the following Program goals:

1. *The project results in a significant improvement to the exterior of a commercial building consisting of and including one or more of the following:*
  - *Appropriate, permanent landscaping*
  - *Improved and upgraded signage on the building parapet or on a monument/pole sign. If multiple signs are used to differentiate businesses located on the property, then coordination and style of signage will be important*
  - *Better access and availability of parking for on-site customers*
  - *Exterior improvements to include any of the following: painting, window repair/replacement, improved entryways, lighting, new or repaired/replaced awnings, and cleaning of exterior walls*
2. *The building or buildings to be improved are clearly visible from a street, sidewalk, or public right-of-way.*
3. *The project maximizes the leveraging of Agency funding with private equity or private debt participation from the project owner or owners.*
4. *The owner of the project is committed to maintaining or expanding its business presence at the project location.*
5. *The owner of the project is committed to maintain all project improvements for the useful life of the improvements.*
6. *The project possesses positive economic attributes that will provide and increase economic activity around the surrounding neighborhood.*

### **C. Funding Priorities**

To support the Entertainment District VIP Program Objective and Goals, the Agency reserves the right to fund projects according to the following funding priorities:

1. *A project which is leased or owned by a business which holds, or which seeks to hold, a tavern-limited business license, as defined by City of Las Vegas Ordinance No. 5521 (Bill No. 2002-102) and City of Las Vegas Ordinance No. 5673 (Bill No. 2004-16);*
2. *A project for which the existing building or on-site improvements are substantially dilapidated;*
3. *Projects for which the owner or owners demonstrate the maximum possible leveraging of Redevelopment Agency funds;*

4. *Projects for which a business owner or owners demonstrate the ability to maintain the improvements; and*
5. *Projects for which a business owner or owners demonstrate that no other reasonable means of financing exist to fully fund the desired improvements.*

**D. Entertainment District VIP: Downtown Entertainment Overlay District designation**

The Entertainment District VIP will promote the maximum visual impact of improvements to commercial areas in the Downtown Entertainment Overlay District by restricting funds to the District. The Downtown Entertainment Overlay District is defined in Las Vegas Municipal Code 19.06.120. To be eligible for funds, the applicant's business must be located within the boundary specified by the Downtown Entertainment Overlay District at the time of application.

**E. Program Eligibility**

All of the following requirements must be satisfied for a project to receive funding:

1. *The project is located within the Downtown Entertainment Overlay District at the time of application.*
2. *The applicant must be either: (a) a tavern-limited business, (b) a business which has filed a tavern-limited business license application to the City of Las Vegas, (c) a business which has a primary retail use compatible with the uses described as "tavern-limited" by City of Las Vegas Ordinance No. 5521 (Bill No. 2002-102) and City of Las Vegas Ordinance No. 5673 (Bill No. 2004-16), or (d) a property owner that has an executed long-term lease with a tenant that has been approved for a tavern-limited business license.*
3. *The applicant must demonstrate site control for the project at the time of application. This can be demonstrated through either:*
  - a. *Fee simple ownership; or*
  - b. *Owner/mortgagor of the property with a minimum of 20% equity interest in the property;*
  - c. *Long-term leasehold interest for a minimum period of five (5) years subsequent to the date of the Entertainment District VIP application, with all lease payments current at the time of application. Unexecuted leases shall not be considered; or*
  - d. *Long-term leaseholder will provide proof that property owner has consented to the leaseholder's application to the Entertainment VIP.*

4. *The property on which the project is situated must be free of all mechanic's lien at the time of application.*
5. *The applicant must not have any current bankruptcy proceedings, or past bankruptcy proceedings, whether corporate or personal, within the past five (5) years.*
6. *The applicant must have proper zoning on which the building or improvements are situated.*
7. *The applicant must have no past-due bills or debts payable to either the City of Las Vegas or to the Agency.*

#### **F. Ineligible Properties**

The following properties are ineligible:

1. *Single-family residential properties;*
2. *Multi-family residential properties; or*
3. *Properties which have received funding from the Agency, or from the City of Las Vegas, within the prior five (5) years for capital improvements, on-site improvements, or off-site improvements; or*
4. *Properties or projects which do not satisfy all of the Program Eligibility requirements.*

A mixed-used project (residential and commercial use in same structure) may be considered so long as such project has a tavern-limited use or comparable use, and meets the requirements specified in Section E herein.

#### **G. Program Operation**

##### **1. Direct grants on Reimbursement Basis**

Incentives to program applicants will be in the form of cash rebates. Applicants will be eligible to receive a rebate of up to \$75,000 of eligible Pre-Approved Qualified Exterior Improvements. The maximum amount for any individual grant award is \$75,000. The Agency reserves the right to pay in installments, or in one lump sum amount. Participation in this program and approval of any grant is at the sole discretion of the Agency. The Agency must approve each work item prior to the commencement of construction. The Agency reserves the right to refuse payment of any change orders not authorized prior to the commencement of construction work.

At the discretion of the Agency, applicants who are located on a corner property and have a tavern-limited license business which fronts both streets and is improving both exteriors will be eligible to receive a rebate of up to \$95,000 for eligible Pre-Approved Qualified Exterior Improvements. Significant neon or animated signage will be a requirement for this additional reimbursement.

## 2. Required Matching Contribution from Participant

Each applicant must contribute a dollar-for-dollar match (1:1) to the Agency's funds. For example, a participating business seeking an Entertainment District VIP Grant of \$55,000 would be required to contribute a matching contribution of \$55,000 towards the project. The matching contribution must consist of funds allocated for improvement costs to the exterior of the building and be visible from the public right-of-way.

The Agency shall give preference to those applicants which provide the matching contribution in the form of cash on hand, or a cash equivalent asset (defined as a current asset on the balance sheet of a participating business). **The Agency requires the applicant to expend its matching contribution prior to the disposition of Agency funds.**

The Agency encourages applicants to contribute the maximum matching contribution possible. Applicants which propose to contribute higher matching contributions may be given preference by the Agency for assistance.

## 3. Use of Funds

Pre-approved Qualified Exterior Improvements which shall be considered for reimbursement includes the following: painting, cleaning, tuck pointing, façade repair/replacement, window repair/replacement, doorways, lighting, new or substantially rehabilitated signage, window tinting, new or replacement awnings, permanent landscaping, parking lots, and rear access renovations. All Pre-approved Qualified Exterior Improvements must be seen from the public right-of-way. Any other external improvements required to bring a building or property up to code are also eligible. Additions and expansions to buildings that will benefit the overall appearance of the property may also be eligible.

**All plans or proposed Scopes of Work must be approved by the City of Las Vegas Redevelopment Agency prior to the commencement of any construction work.**

Improvements may be made to individual commercial buildings or commercial centers. A mixed-use building may qualify as long as the ground floor of the building façade facing Fremont Street (or other City street within the Downtown Entertainment District Overlay) contains a tavern-limited use business. Permanent landscaping may be included in this program provided that all improvements meet City codes and ordinances, and are consistent

with any development plans adopted by the City of Las Vegas and by the City of Las Vegas Redevelopment Agency.

4. Contractor procurement

In compliance with N.R.S. 279.498, a minimum of three (3) comparable bids must be submitted as part of any Application requesting Agency participation of \$10,000 or greater. All bids must include detailed specifications of the scope of work to be performed. Contractors must have all proper licenses, including but not limited to a business license and a Nevada State Contractor's license. If the applicant is unable to obtain three (3) or more competitive bids, the applicant shall provide the Agency with documentation detailing when and which licensed contractors(s) were contacted.

5. Review by Internal Design Committee

The Director of the Office of Business Development, as the Program Director, may appoint members of an Internal Design Review Committee. At the Discretion of the Program Director, the Committee may include, but not be limited to, staff from the following City departments or divisions: Land Development, Public Works; Current Planning; Development Coordination, Public Works; Redevelopment Officer, Office of Business Development; and additional staff as needed to review the architectural, engineering, and planning merits of the proposed improvement or improvements.

6. Warranty Information

The final selection of a contractor is the sole responsibility of the applicant. As such, the Agency shall offer no warranty on work performed. The applicant should obtain any desired warranty information from the contractor in writing.

7. Prohibited use of funds

Funds may not be used for: working capital; property, equipment or inventory acquisition; the refinancing of existing debt; or the refinancing of private funding.

**H. Availability of Funds**

The Agency has agreed to budget a certain amount of funds for this program, which may be amended from time to time. Each application submitted to the Agency shall be date and time stamped, and reviewed in the order of receipt. Incomplete applications may be returned to the Applicant for re-submittal at the sole discretion of the Agency. Applications will be accepted throughout each fiscal year (July 1 through June 30). Once all budgeted funds for such fiscal year are expended, no further applications will be accepted.

For the purposes of this program, a commercial property shall be any property, business, or use which contains a zoning designation of either P-R, N-S, O, C-D, C-1, or C-2 as defined by City of Las Vegas Zoning Ordinance Chapter 19A.04.

To be eligible, a commercial property must meet all requirements of the Entertainment District VIP Program, as specified above in Section E, Program Eligibility. Properties specified in Section F. Ineligible Properties, shall not be eligible.

The Agency shall have the ultimate authority to accept or reject each Application, and have complete authority to decide whether requested work is eligible for this program.

### **I. Approval Policy**

Applications will be reviewed in the order which they are received. Approval will be based on the following criteria: the condition of the existing structure or property, the value of the completed improvement, the amount of matching funds contributed by the applicant, consistency with City of Las Vegas development and construction requirements, and the quality of the proposed design.

The Agency shall commit funds only after an Entertainment District VIP Agreement with the applicant is approved by the Las Vegas City Council acting as the Board of Directors for the City of Las Vegas Redevelopment Agency.

Any action taken by the City of Las Vegas Redevelopment Agency Board of Directors is final. There is no appeal process for applications which are not approved by the City of Las Vegas Redevelopment Agency Board of Directors.